

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TODD DEISTER,

Plaintiff,

v.

Case No. 13-13993

Hon. Lawrence P. Zatkoff

AUTO CLUB INSURANCE ASSOCIATION,

Defendant.

---

**ORDER REMANDING PLAINTIFF'S STATE-LAW CLAIMS**

Plaintiff filed a complaint on May 23, 2013, alleging federal subject-matter jurisdiction on the basis of a federal question. Plaintiff's complaint alleges the following counts:

Count I      Disability Discrimination under the ADA and the Civil Rights Act of 1991

Count II      Violation of Michigan's Persons with Disabilities Civil Rights Act

Count III      Retaliation Discrimination under the ADA and the Civil Rights Act of 1991

Count IV      Intentional Infliction of Humiliation and Emotional Distress

Federal district courts have original subject-matter jurisdiction over cases arising under federal law. 28 U.S.C. § 1331. The Court has subject-matter jurisdiction over Counts I and III, because they arise under federal law. 28 U.S.C. § 1331. Counts II and IV, however, appear to be based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *Id.* § 1367(c)(4).

The Court finds that Plaintiff's state-law claims raise novel and complex issues of state law that would be more appropriately adjudicated by the state court. *See id.* § 1367(c)(1). Additionally, the contemporaneous presentation of Plaintiff's parallel state claims for relief will result in undue

confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994). As such, the Court declines to exercise supplemental jurisdiction over Plaintiff's state-laws claim in this matter.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's state-law claims (Counts II and IV) are REMANDED to Lenawee County Circuit Court. The Court retains jurisdiction over Plaintiff's federal claims (Counts I and III).

IT IS SO ORDERED.

Date: September 23, 2013

S/Lawrence P. Zatkoff  
HON. LAWRENCE P. ZATKOFF  
U.S. DISTRICT COURT JUDGE